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AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Texas

FILED

August 18, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

United States of America

v.

Noah J. Ochoa

BY: Terry Hernandez
DEPUTYCase No. **EP:23-M-02618-ATB***Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 24, 2023 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:*Code Section*Title 18 United States Code,
Section 844(i)*Offense Description*Arson of Property Used in Interstate Commerce or Used in an Activity
Affecting Interstate Commerce

This criminal complaint is based on these facts:

See Attached Affidavit which is hereby incorporated by reference

☒ Continued on the attached sheet.*Complainant's signature*

LeChondra Chambers Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/18/2023*Judge's signature*City and state: El Paso, Texas

Anne T. Berton, United States Magistrate Judge

*Printed name and title*Complaint sworn to telephonically on
August 18, 2023 at 05:52 PM and signed
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

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Affidavit

1. On July 26, 2023, affiant received information from El Paso Fire Department (EPFD) Fire Investigators regarding an arson at 301 W. Missouri Avenue in El Paso, Texas, Western District of Texas, which occurred on July 24, 2023

2. Your affiant met with EPFD Fire Investigators regarding the incident. Fire Investigators presented surveillance video collected from the scene. Affiant observed an unidentified male suspect, later identified as Noah OCHOA on surveillance video. OCHOA arrived on the side of the building at approximately 0025 hours driving a grey sedan. OCHOA removed gas cans and other items from the vehicle. OCHOA made forced entry to the building through a door. Once inside of the building, OCHOA began pouring an ignitable liquid on the floor in a room leading to the entry way of a second room. OCHOA used a lighter to ignite the vapors of the ignitable liquid. OCHOA appeared to set fire to his shoes and lower legs/clothing as he attempted to leave the room as the fire spread. OCHOA exited the building and left the scene in the grey sedan.

3. On August 7, 2023, your affiant received information identifying a possible vehicle make and model observed in surveillance video and learned through law enforcement databases there were only two such unique grey sedan vehicles registered in El Paso, Texas. Affiant observed a vehicle matching the description displaying, OCHOA's residence. Affiant took photos of vehicles parked at the residence and conducted research into the registered owner of the vehicle as well as occupants of the residence. The unique grey sedan showed to be registered to a person who is believed to be a relative and co-habitant of OCHOA.

4. Your Affiant compared likenesses of OCHOA from pictures obtained from law enforcement databases to surveillance images from the arson. Your affiant determined the person in the surveillance video lighting the fire was OCHOA. Your affiant learned OCHOA was currently on bond for Aggravated Assault against Public Officials. The bond officer for OCHOA was contacted, and officers received a text from a suspected relative of OCHOA advising

OCHOA had second degree burns to his legs from a campfire accident and was unable to meet with the bond officer.

5. On August 9, 2023, the manager of the W. Missouri address, provided your affiant with information regarding membership dues and rent payment. The manager stated two organizations (Organization 1 and Organization 2) rent space inside of the structure monthly. It should be noted Organization 1 & 2 are non-profit community organizations. Organization 1 and Organization 2 render payment by drawing funds from accounts at Bank 1 (headquartered in Pittsburgh, Pennsylvania, and having physical branches in El Paso, Texas) and Bank 2 (headquartered and having physical branches in El Paso, Texas). The manager confirmed both organizations make payments by conventional checks. Management at the W. Missouri address received payment from both organizations for rent payments. Affiant was able to confirm through management at the W. Missouri address bank (Bank 2), payments received from tenants are bundled using Bank 3 (headquarter in San Antonio, Texas). Once payments are bundled the payments are then sent to the Federal Reserve, via the Federal Reserve's automated clearinghouse (ACH) system, which is a nationwide network through which depository institutions send each other batches of electronic credit and debit transfers. The transfers are then cleared by the Federal Reserve Bank. After transfers are cleared by the Federal Reserve, they are deposited to the W. Missouri address account in Bank 2. The process by which Banks 1, 2 and 3 clear funds from conventional checks through the Federal Reserve's ACH system is done over internet and wire communication systems and is done within and affects interstate commerce.

6. Investigators reviewed the photographs provided from the scene but did not observe any heat producing appliances or evidence that would indicate "squatters" were residing in the structure prior to the fire. Investigators classified the fire as incendiary.

CONCLUSION

7. Based on the foregoing, there is probable cause to believe that OCHOA committed violations of Title 18, United States Code, §844(i)-Arson of Property used in

Interstate Commerce. I therefore respectfully request that this Court issue a warrant for the arrest of Noah OCHOA.